

## **3.11 ENVIRONMENTAL JUSTICE**

This section describes existing conditions and potential impacts related to environmental justice. Environmental justice is defined by State law as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Environmental justice issues as defined in the federal context are disproportionately high, adverse human health or environmental effects of federal programs, policies, or activities on minority populations and low-income populations in the U.S.

Environmental justice impacts are determined by first identifying significant impacts related to other environmental issues evaluated in the Draft Program EIR/EA, and then assessing whether those impacts disproportionately affect minority or low-income populations. The shell mound project area and proposed ocean disposal site are sufficiently distant offshore to preclude impacts on any coastal populations. Therefore, the offshore components of the Program Alternatives are not expected to have any impacts on minority or low-income populations. The onshore area of potential impact evaluated includes the neighborhoods adjacent to the POLB, where dredge materials are proposed for offloading, transfer, and possibly beneficial reuse in future POLB construction projects.

Disposal of dredge materials in approved recycling facilities or permitted landfills would take place in compliance with applicable permits for those facilities, and therefore is not expected to have any impact on minority or low-income populations.

### **3.11.1 Environmental Setting**

#### **3.11.1.1 Shell Mound Sites**

The shell mound sites are located between approximately 1.5 and 2.6 nautical miles offshore, distant from any onshore population centers.

#### **3.11.1.2 Onshore Locations**

The area of potential impact for the evaluation of environmental justice was determined in accordance with the EPA’s NEPA guidance for identifying affected communities, which requires consideration of likely project impacts (i.e., noise, fugitive dust, etc.) and the corresponding geographic area. The area of potential impact is shown in Figure 3.11-1. For this project, the project area of potential impact encompasses all residential neighborhoods adjacent to the boundary of the POLB, because of their proximity to areas proposed for dredge material storage or placement by the Port. The northern boundary of the area of potential impact is largely determined by the boundaries of individual census tracts available from Census 2000. The area of potential impact extends 4 miles along the Port’s northern edge and between several blocks and one mile inland.

Within the area of potential impact shown in Figure 3.11-1, data characterizing the current demographic and economic profiles of this project area, as well as the overall city of Long Beach, were obtained from the U.S. Bureau of the Census (Census 2000). Table 3.11-1 summarizes information regarding the minority and poverty status of the project area and the City of Long Beach from the Census data.

**Table 3.11-1. Comparison of Minority Populations and Poverty Status in the Project Area and City of Long Beach**

<i>Geographic Area</i>	<i>Percentage of Population that is a Minority Group</i>	<i>Percentage of Population that is below the Poverty Threshold</i>
Project Area	98	20
City of Long Beach	67	23
<i>Source: 2000 Census.</i>		

The data in Table 3.11-1 were compiled from Table 3.11-2, which contains more complete Census 2000 demographic and economic data for the project area and the City of Long Beach.

The first part of Table 3.11-2, the heading titled Race, includes (but does not specifically break out) Hispanic and Latino populations. The second and third parts of the table, titled Race (Not Hispanic or Latino) and Race (Hispanic or Latino), are meant to be considered together and serve to provide a detailed breakdown of the Hispanic and Latino populations.

Based on Census 2000 data in Table 3.11-2, the city of Long Beach, which encompasses the POLB, contains a total population of 461,381, of which 308,372 persons (about 67 percent) are members of a minority group; this number is derived by subtracting the "White alone" population (153,009), under the heading titled Race (Not Hispanic or Latino) from the total population citywide (461,381). In comparison, the project area population is 6,586 persons, of which 114 are White and the remainder, 6,472 persons or 98 percent of the project area population, are minority.

In the lower portion of the first page of Table 3.11-2, under the heading Ratio of Income to Poverty Level, 1,283 persons, or 20 percent of the project area population (6,339), live below the poverty level (the population living below the poverty line is the population whose ratio of income to poverty level is less than 1, i.e., the rows titled "Under .50," "50 to .74" and "75 to .99"). In comparison, 103,434 persons citywide, or 23 percent of the citywide population (453,065) live below the poverty level.

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2 3.11-1 Long Beach Area of Potential Impact

3 (color)

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**Table 3.11-2. Demographic Data for the Long Beach Project Area and  
City of Long Beach (page 1 of 2)**

	PROJECT AREA			CITY		
	<i>Census Tables</i>	<i>Number</i>	<i>Percent</i>	<i>Census Tables</i>	<i>Number</i>	<i>Percent</i>
	<b>P1</b>	<b>6,568</b>	<b>100.0%</b>	<b>P1</b>	<b>461,381</b>	<b>100.0%</b>
<b>TOTAL POPULATION</b>						
<b>Race</b>						
White alone	P6	3,597	54.8%	P6	208,303	45.1%
Black or African American (BAA) alone	P6	912	13.9%	P6	68,594	14.9%
American Indian and Alaska Native (AIAN) alone	P6	47	0.7%	P6	3,749	0.8%
Asian alone	P6	455	6.9%	P6	55,040	11.9%
Native Hawaiian and Other Pacific Islander (NHOPI) alone	P6	25	0.4%	P6	5,145	1.1%
Some other race alone	P6	1,212	18.5%	P6	95,216	20.6%
Two or more races	P6	320	4.9%	P6	25,334	5.5%
<b>Race (Not Hispanic or Latino)</b>						
White alone	P7	114	1.7%	P7	153,009	33.2%
Black or African American alone	P7	268	4.1%	P7	66,725	14.5%
AIAN alone	P7	0	0.0%	P7	1,869	0.4%
Asian alone	P7	0	0.0%	P7	54,445	11.8%
NHOPI alone	P7	0	0.0%	P7	5,048	1.1%
Some other race alone	P7	0	0.0%	P7	792	0.2%
Two or more races	P7	0	0.0%	P7	14,566	3.2%
<b>Race (Hispanic or Latino)</b>						
White alone	P7	806	12.3%	P7	55,294	12.0%
Black or African American alone	P7	51	0.8%	P7	1,869	0.4%
AIAN alone	P7	8	0.1%	P7	1,880	0.4%
Asian alone	P7	0	0.0%	P7	595	0.1%
NHOPI alone	P7	0	0.0%	P7	97	0.0%
Some other race alone	P7	1200	18.3%	P7	94,424	20.5%
Two or more races	P7	79	1.2%	P7	10,768	2.3%
<b>Ratio of Income to Poverty Level</b>	<i>Census Tables</i>	<i>Number</i>	<i>Percent</i>	<i>Census Tables</i>	<i>Number</i>	<i>Percent</i>
Total	P88	6,339	100.0%	P88	453,065	100.0%
Under .50	P88	548	8.6%	P88	47,828	10.6%
50 to .74	P88	430	6.8%	P88	26,013	5.7%
75 to .99	P88	305	4.8%	P88	29,593	6.5%
1.00 to 1.24	P88	448	7.1%	P88	31,552	7.0%
1.25 to 1.49	P88	473	7.5%	P88	27,166	6.0%
1.50 to 1.74	P88	333	5.3%	P88	24,585	5.4%
1.75 to 1.84	P88	68	1.1%	P88	8,900	2.0%
1.85 to 1.99	P88	102	1.6%	P88	10,794	2.4%
2.00 and over	P88	3,632	57.3%	P88	246,634	54.4%

**Table 3.11-2. Demographic Data for the Long Beach Project Area and City of Long Beach (page 2 of 2)**

<i>Project Area Income Levels</i>	<i>Census Tables</i>	<i>Total Households</i>		<i>White</i>		<i>BAA</i>		<i>AIAN</i>		<i>Asian</i>		<i>NHOPI</i>		<i>Other</i>		<i>Two or more</i>		<i>Hispanic or Latino</i>	
All Income Levels	P52, P151A-I	3,207	100.0%	2,156	67.2%	377	11.8%	39	1.2%	191	6.0%	-	0.0%	349	10.9%	95	3.0%	566	17.6%
Less than \$10,000	P52, P151A-I	437	13.6%	303	69.3%	27	6.2%	-	0.0%	20	4.6%	-	0.0%	70	16.0%	17	3.9%	107	24.5%
\$10,000 to \$14,999	P52, P151A-I	273	8.5%	142	52.0%	59	21.6%	-	0.0%	12	4.4%	-	0.0%	48	17.6%	12	4.4%	65	23.8%
\$15,000 to \$19,999	P52, P151A-I	223	7.0%	167	74.9%	30	13.5%	-	0.0%	-	0.0%	-	0.0%	26	11.7%	-	0.0%	36	16.1%
\$20,000 to \$24,999	P52, P151A-I	271	8.5%	168	62.0%	36	13.3%	-	0.0%	33	12.2%	-	0.0%	34	12.5%	-	0.0%	59	21.8%
\$25,000 to \$29,999	P52, P151A-I	219	6.8%	125	57.1%	33	15.1%	-	0.0%	22	10.0%	-	0.0%	32	14.6%	7	3.2%	53	24.2%
\$30,000 to \$34,999	P52, P151A-I	166	5.2%	113	68.1%	17	10.2%	-	0.0%	-	0.0%	-	0.0%	22	13.3%	14	8.4%	41	24.7%
\$35,000 to \$39,999	P52, P151A-I	139	4.3%	78	56.1%	30	21.6%	-	0.0%	8	5.8%	-	0.0%	14	10.1%	9	6.5%	21	15.1%
\$40,000 to \$44,999	P52, P151A-I	216	6.7%	118	54.6%	39	18.1%	39	18.1%	5	2.3%	-	0.0%	15	6.9%	-	0.0%	26	12.0%
\$45,000 to \$49,999	P52, P151A-I	192	6.0%	145	75.5%	38	19.8%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	9	4.7%	18	9.4%
\$50,000 to \$59,999	P52, P151A-I	190	5.9%	125	65.8%	19	10.0%	-	0.0%	14	7.4%	-	0.0%	32	16.8%	-	0.0%	27	14.2%
\$60,000 to \$74,999	P52, P151A-I	282	8.8%	200	70.9%	30	10.6%	-	0.0%	10	3.5%	-	0.0%	31	11.0%	11	3.9%	65	23.0%
\$75,000 to \$99,999	P52, P151A-I	352	11.0%	265	75.3%	19	5.4%	-	0.0%	42	11.9%	-	0.0%	18	5.1%	8	2.3%	29	8.2%
\$100,000 to \$124,999	P52, P151A-I	156	4.9%	141	90.4%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	7	4.5%	8	5.1%	19	12.2%
\$125,000 to \$149,999	P52, P151A-I	43	1.3%	31	72.1%	-	0.0%	-	0.0%	12	27.9%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
\$150,000 to \$199,999	P52, P151A-I	38	1.2%	25	65.8%	-	0.0%	-	0.0%	13	34.2%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
\$200,000 or more	P52, P151A-I	10	0.3%	10	100.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%

Data Set: Census 2000; BG-1, CT-5767; BG-1, CT-5758.01; BG-4, CT-5759.01; BG-1, CT-5760; BG-2, CT-5760; BG-2, CT-5761; BG-1, CT-5766.01 (City of Long Beach, Los Angeles County, California, United States)

<i>City-wide Income Levels</i>	<i>Census Tables</i>	<i>Total Households</i>		<i>White</i>		<i>BAA</i>		<i>AIAN</i>		<i>Asian</i>		<i>NHOPI</i>		<i>Other</i>		<i>Two or more</i>		<i>Hispanic or Latino</i>	
All Income Levels	P52, P151A-I	163,279	100.0%	90,224	55.3%	25,129	15.4%	1,318	0.8%	15,427	9.4%	1,085	0.7%	22,669	13.9%	7,427	4.5%	41,017	25.1%
Less than \$10,000	P52, P151A-I	20,549	12.6%	8,303	40.4%	5,013	24.4%	217	1.1%	2,473	12.0%	197	1.0%	3,025	14.7%	1,321	6.4%	5,332	25.9%
\$10,000 to \$14,999	P52, P151A-I	12,323	7.5%	5,417	44.0%	2,352	19.1%	85	0.7%	1,159	9.4%	94	0.8%	2,471	20.1%	745	6.0%	4,009	32.5%
\$15,000 to \$19,999	P52, P151A-I	11,328	6.9%	5,064	44.7%	2,184	19.3%	148	1.3%	1,059	9.3%	68	0.6%	2,271	20.0%	534	4.7%	3,839	33.9%
\$20,000 to \$24,999	P52, P151A-I	11,544	7.1%	5,768	50.0%	1,981	17.2%	92	0.8%	944	8.2%	121	1.0%	2,257	19.6%	381	3.3%	4,152	36.0%
\$25,000 to \$29,999	P52, P151A-I	10,532	6.5%	5,307	50.4%	1,882	17.9%	121	1.1%	889	8.4%	28	0.3%	1,824	17.3%	481	4.6%	3,530	33.5%
\$30,000 to \$34,999	P52, P151A-I	10,661	6.5%	5,176	48.6%	1,750	16.4%	79	0.7%	917	8.6%	86	0.8%	2,095	19.7%	558	5.2%	3,418	32.1%
\$35,000 to \$39,999	P52, P151A-I	8,684	5.3%	4,564	52.6%	1,317	15.2%	91	1.0%	768	8.8%	66	0.8%	1,467	16.9%	411	4.7%	2,754	31.7%
\$40,000 to \$44,999	P52, P151A-I	8,566	5.2%	4,865	56.8%	1,365	15.9%	87	1.0%	796	9.3%	40	0.5%	1,144	13.4%	269	3.1%	2,114	24.7%
\$45,000 to \$49,999	P52, P151A-I	7,201	4.4%	4,154	57.7%	858	11.9%	101	1.4%	779	10.8%	49	0.7%	910	12.6%	350	4.9%	1,678	23.3%
\$50,000 to \$59,999	P52, P151A-I	11,956	7.3%	7,342	61.4%	1,477	12.4%	81	0.7%	1,056	8.8%	70	0.6%	1,433	12.0%	497	4.2%	2,647	22.1%
\$60,000 to \$74,999	P52, P151A-I	15,185	9.3%	9,455	62.3%	1,882	12.4%	29	0.2%	1,388	9.1%	130	0.9%	1,554	10.2%	747	4.9%	2,960	19.5%
\$75,000 to \$99,999	P52, P151A-I	15,195	9.3%	10,062	66.2%	1,762	11.6%	112	0.7%	1,516	10.0%	64	0.4%	1,169	7.7%	510	3.4%	2,361	15.5%
\$100,000 to \$124,999	P52, P151A-I	8,301	5.1%	6,012	72.4%	629	7.6%	39	0.5%	712	8.6%	51	0.6%	581	7.0%	277	3.3%	1,171	14.1%
\$125,000 to \$149,999	P52, P151A-I	4,111	2.5%	3,011	73.2%	313	7.6%	18	0.4%	475	11.6%	16	0.4%	157	3.8%	121	2.9%	383	9.3%
\$150,000 to \$199,999	P52, P151A-I	3,694	2.3%	2,968	80.3%	127	3.4%	5	0.1%	335	9.1%	5	0.1%	173	4.7%	81	2.2%	341	9.2%
\$200,000 or more	P52, P151A-I	3,449	2.1%	2,756	79.9%	237	6.9%	13	0.4%	161	4.7%	-	0.0%	138	4.0%	144	4.2%	328	9.5%

Data Set: Census 2000; City of Long Beach, California

### Minority Populations Citywide

In the city of Long Beach, Whites form the largest racial/ethnic group, constituting 45.1 percent of the citywide population. Other major racial/ethnic groups are Hispanic/Latino (35.7 percent), Black/African American (14.9 percent), and Asian (11.9 percent) (percentages total more than 100 percent because a portion of the population belongs to two or more races).

### Minority Population in the Project Area of Potential Impact

The project area near the POLB encompasses 6,568 persons and supports a relatively higher percentage of Whites (54.8 percent, a relative increase of 9.7 percent) than is the case citywide, and relatively lower populations of other racial/ethnic groups. Minority racial/ethnic populations in the project area include Hispanics/Latinos (32.7 percent, or three percent lower than citywide), Blacks/African Americans (13.9 percent, or one percent lower than citywide) and Asians (6.9 percent, or five percent lower than citywide).

### Low-Income Population in the Project Area of Potential Impact

Low-income populations are those identified as living below the current poverty line established by the U.S. Census Bureau. The U.S. Census Bureau's definition of poverty serves as the U.S. Government's official statistical definition of poverty. If a family's total income is less than that family's threshold, then that family is considered poor. Unlike low- and very-low income thresholds, which are often defined by a state or region, Census Bureau poverty thresholds do not vary geographically, but are updated annually for inflation using the Consumer Price Index (CPI-U). An average household size of three persons is assumed for the city of Long Beach; this average is based on Census 2000 data. The most recent poverty threshold for three-person households is \$13,738 (weighted average) (Census 2000).

Assuming an average household size of three persons, approximately 22.1 percent of households in the project area live below the \$14,999 income level (the closest available income level to the official poverty threshold of \$13,738 for a three-member household), as compared to 20.1 percent citywide. Thus, a slightly larger percentage of the population in the project area (i.e., two percent) is low income than is the case citywide (Census 2000).

## 3.11.2 Regulatory Setting

### **Executive Order 12898 – Environmental Justice**

President Clinton signed Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, in 1994. The Executive Order directs each federal agency to pursue the achievement of environmental justice as part of their respective missions, by identifying and addressing disproportionately high, adverse human health or environmental effects of its programs,

1 policies, and activities on minority populations and low-income populations in the United  
2 States.

#### 3 ***National Environmental Policy Act***

4 The Presidential Memorandum that accompanies the Executive Order calls for a variety  
5 of actions. Four specific actions are directed at NEPA-related activities, including:

- 6 1. Each federal agency must analyze environmental effects, including human  
7 health, economic, and social effects, of federal actions, including effects on  
8 minority communities and low-income communities, when such analysis is  
9 required by NEPA.
- 10 2. Mitigation measures outlined or analyzed in EAs, EISs, or Records of Decision  
11 (RODs), whenever feasible, should address significant and adverse  
12 environmental effects of proposed federal actions on minority communities and  
13 low-income communities.
- 14 3. Each federal agency must provide opportunities for community input in the  
15 NEPA process, including identifying potential effects and mitigation measures  
16 in consultation with affected communities and improving the accessibility of  
17 public meetings, official documents, and notices to affected communities.
- 18 4. In reviewing other agencies' proposed actions under Section 309 of the Clean  
19 Air Act, EPA must ensure that the agencies have fully analyzed environmental  
20 effects on minority communities and low-income communities, including human  
21 health, social, and economic effects.

#### 22 ***California State Lands Commission***

23 The California State Lands Commission adopted a policy regarding environmental  
24 justice on April 9, 2002, and amended on October 1, 2002, to ensure that such issues  
25 are integrated into the decisions made by the Commission and staff. Under this policy,  
26 the Commission pledges to continue and enhance its processes, decisions, and  
27 programs with environmental justice as an essential consideration.

28 The Commission pledges to implement its environmental justice policy by:

- 29 1. Identifying relevant populations that might be adversely affected by  
30 Commission programs or by projects submitted by outside parties for its  
31 consideration.
- 32 2. Seeking out community groups and leaders to encourage communication and  
33 collaboration with the Commission and its staff.
- 34 3. Distributing public information as broadly as possible in multiple languages, as  
35 needed, to encourage participation in the Commission's public processes.
- 36 4. Incorporating consultations with affected community groups and leaders while  
37 preparing environmental analyses of projects submitted to the Commission for  
38 its consideration.



5. Ensuring that public documents and notices relating to human health or environmental issues are concise, understandable, and readily accessible to the public, in multiple languages, as needed.
6. Holding public meetings, public hearings, and public workshops at times and in locations that encourage meaningful public involvement by members of the affected communities.
7. Educating present and future generations in all walks of life about public access to lands and resources managed by the Commission.
8. Ensuring that a range of reasonable alternatives is identified when siting facilities that may adversely affect relevant populations and identifying, for the Commission's consideration, those that would minimize or eliminate environmental impacts affecting such populations.
9. Working in conjunction with federal, state, regional, and local agencies to ensure consideration of disproportionate impacts on relevant populations, by instant or cumulative environmental pollution or degradation.
10. Fostering research and data collection to better define cumulative sources of pollution, exposures, risks, and impacts.
11. Providing appropriate training on environmental justice issues to staff and the Commission so that recognition and consideration of such issues are incorporated into its daily activities.
12. Reporting periodically to the Commission on how environmental justice is part of the programs, processes, and activities conducted by the Commission and proposing modifications as necessary.

### **3.11.3 Significance Criteria**

The project would result in a significant environmental justice impact if it would:

- Cause a disproportionately high and adverse impact on low-income or minority communities adjacent to or in the affected vicinity of the project area;
- Substantially increase project air emissions that impact sensitive receptors in proximity to the project site;
- Degrade the health and safety of low-income or minority communities disproportionately; or
- Fail to provide for or encourage effective participation of low-income or minority communities adjacent to, or in the affected vicinity of, the project area in the environmental review and decision-making process for this project.

**3.11.4 Impacts and Mitigation Measures for Program Alternatives**

**3.11.4.1 Program Alternatives 1 and 2: Shell Mounds and Caissons Removal and Disposal (PA1); Leveling and Spreading of Shell Mounds with Caissons Removal and Disposal (PA2)**

*Impacts*

The only significant environmental impacts determined to potentially affect the POLB area are cumulatively significant air quality impacts associated with PA1 (see Section 3.1). Specifically, Impact AQ-1 states that tugboat operation within the POLB and haul truck dredge material transport between the POLB offloading site and Kern County disposal sites could result in cumulatively considerable net increases of nonattainment pollutants (ROC, CO, and NO<sub>x</sub>) within the South Coast Air Basin.

However, Section 3.1 acknowledges that emissions from these sources would be spread over a sufficiently large area to preclude substantial emissions, and therefore exceedance of an ambient air quality standard, at any one particular location onshore. For this reason, and because of the short duration of transport activities (approximately 13 days), emissions under PA1 would likewise produce less than significant Toxic Air Contaminant impacts in any one location. Therefore, cumulatively considerable air quality impacts caused by PA1 would not disproportionately affect either the minority or the low-income populations in the project area.

Neither PA1 nor PA2 would result in environmental justice impacts.

MITIGATION MEASURES

None proposed.

**3.11.4.2 Program Alternatives 3 through 5: Capping (PA3); Artificial Reefs at all Four Shell Mounds (PA4); Artificial Reef at Hazel after Removing (5a) or Spreading (5b) Shell Mounds (PA5)**

*Impacts*

PA3, PA4 and PA5b may be characterized as “leave-in-place” Program Alternatives, since they do not involve removal of the shell mounds or Hazel caissons. Accordingly, none of these Program Alternatives would require the transport of materials to or from the POLB and would therefore not affect the surrounding community.

PA5a and PA5b both propose the creation of an artificial reef at the Hazel site, but PA5a further proposes the removal and disposal of shell mound materials. For this reason, PA5a would result in the same air quality impact as PA1 (i.e., impact AQ-1), related to the transport of dredge materials by tugboat to the POLB and by haul truck from the POLB to a Kern County disposal facility. However, as stated in Section 3.1, PA1 would not cause exceedance of ambient air quality standards or significant Toxic Air Contaminant impacts in any one particular onshore location, and thus would not disproportionately impact the nearby low-income community.

PA3, PA4 and PA5 (including PA5a and PA5b) would not result in any environmental justice impacts.

MITIGATION MEASURES

None proposed.

**3.11.4.3 Program Alternative 6: Offsite Mitigation (PA6) and No Project Alternative**

*Impacts*

PA6 and the No Project Alternative would not result in any environmental justice impacts.

MITIGATION MEASURES

None proposed.